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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JAMES BYRON,

10 Plaintiff,

11 v.

12 INSTITUTE FOR ENVIRONMENTAL
13 HEALTH, INC.,

14 Defendant.

Case No. 2:18-CV-01415-RSL

ORDER DENYING PLAINTIFF'S
MOTION TO SEAL

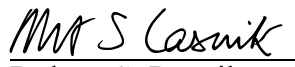
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16 This matter comes before the Court on Plaintiff James' Byron's unopposed Motion
17 to Seal ("Motion"). Dkt. #44. Plaintiff asks the Court to maintain under seal two exhibits
18 to plaintiff's declaration (Dkt. #43) in support of his opposition to defendant's Motion for
19 Summary Judgment (Dkt #30). Dkt. #44. The exhibits are excerpts of deposition
20 transcripts. *Id.* Plaintiff indicates that he has submitted this Motion only because
21 defendant had designated the documents as "Confidential" during the underlying
22 administrative proceeding. *Id.* Plaintiff does not believe they contain any confidential
23 information. *Id.* Defendant has separately filed two motions to seal exhibits in support of
24 its Motion for Summary Judgment (Dkt. #32) and exhibits in support of its Reply in
25

1 Support of its Motion for Summary Judgment (Dkt. #54): plaintiff's exhibits do not
2 contain information that is the subject of those motions.

3 "There is a strong presumption of public access to the court's files." LCR 5(g). In
4 the Ninth Circuit, the presumption of access is particularly strong for documents attached
5 to dispositive motions. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1179
6 (9th Cir. 2006). In order to override the common law right of the public to inspect and
7 copy court documents, "a party seeking to seal judicial records must show that
8 compelling reasons supported by specific factual findings outweigh the general history of
9 access and the public policies favoring disclosure." *Pintos v. Pac. Creditors Ass'n*, 605
10 F.3d 665, 678 (9th Cir. 2010) (internal quotation marks and alterations omitted).
11 Ultimately, "[w]hat constitutes a compelling reason is best left to the sound discretion of
12 the trial court." *Center for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th
13 Cir. 2016) (internal quotations omitted). The Local Rules also require a party seeking to
14 designate documents as "confidential" to support that designation by describing to the
15 Court the legitimate interests that warrant confidentiality, the injury that would otherwise
16 result, and the insufficiency of less restrictive alternatives. LCR 5(g)(3).

17 Plaintiff has not attempted to meet this burden. Defendant, as the party that
18 designated these documents as "confidential" during discovery, bears the burden of
19 supporting that designation. Defendant has not carried its burden, either. Accordingly,
20 plaintiff's Motion to Seal is DENIED. The Clerk of Court is directed to unseal Dkt. # 45.

21 Dated this 25th day of November, 2019.

22 
23 Robert S. Lasnik
24 United States District Judge